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P-30-67 Saigon 7293

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SC 01,SAL 01,L 03,H 02,P 04,NSC 10,INR 07,IO 21,RSR 01,RSC 01,
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Z R 301745Z SEP 67
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC FLASH 7940
INFO AMEMBASSY BANGKOK 4403
CINCPAC
DANANG 1040
AMEMBASSY VIENTIANE 2649

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Joan Jaz DATE 12/23/81
RDS ☐ PE ☐ DEL. EXT.
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C O N F I D E N T I A L SAIGON 7293

C O R R E C T E D C O P Y

CINCPAC FOR POLAD

SUBJECT: NATIONAL ASSEMBLY: VALIDATION OF PRESIDENTIAL ELECTION

REF: SAIGON 7333

(1) 1. AFTERNOON SARTEMBER 30 ASSEMBLY CONTINUED TO REVIEW FORMAL ELECTION COMPLAINTS. SESSION ENDED A 1930: ASSEMBLY WILL RECONVENE MORNING OCTOBER 1 TO CONSIDER SEVERAL REMAINING COMPLAINTS AND REVIEW IRREGULARITIES IN VOTE TALLIES.

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2. OF THE MORE THAN 20 COMPLAINTS REVIEWED SO FAR, ASSEMBLY HAS UPHELD A TOTAL OF FIVE (INCLUDING DECISION, REPORTED

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REFTEL. THAT KY'S STATEMENT ABOUT OVERTHROWING AN UNWORTHY GOVERNMENT WAS VIOLATION OF ELECTION LAW).
3. MOST IMPORTANT OF COMPLAINTS UPHELD IN AFTERNOON SESSION WERE A) CHARGE THAT THIEU VIOLATED LAW BY GIVING TV ADDRESS EVENING SEPTEMBER 2, AND B) COMPLAINT THAT "MANY" POLLING PLACES IN SAIGON AND GIA DINH RAN OUT OF BALLOTS. ASSEMBLY ALSO UPHELD COMPLAINT CHARGING THAT IN NGHIA PROVINCE SOME POLLING PLACES WERE NOT PROVIDED WITH SECRET BOOTHS, AND COMPLAINT BY TRAN VAN HUONG REPRESENTATIVE IN MY THO THAT ONE DOLDIER THERE HAD THREE VOTER CARDS AND WAS CAUGHT IN ACT OF VOTING FOR SECOND TIME.
4. ON THE OTHER HAND, ASSEMBLY REJECTED CHARGE, MADE JOINTLY B SEVERAL DEFEATED PRESIDENTIAL CANDIDATES, THAT THIEU AND KY VIOLATED ELECTION LAW BY NOT RESIGNING FROM THEIR GOVERNMENT POSITIONS. POSITION OF SPECIAL COMMITTEE ON THIS QUESTION WAS THAT ASSEMBLY HAD CONSIDERED AND REJECTED NEED FOR THIEU AND

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KY TO RESIGN WHEN IT APPROVED THEIR CANDIDACIES IN JULY; THEREFORE ASSEMBLY COULD HARDLY DECIDE DIFFERENTLY NOW. ASSEMBLY ACCEPTED SPECIAL COMMITTEE INTERPRETATION BY LARGE MAJORITY. DEPUTIES ALSO REJECTED COMPLAINT BY VU HONG KHANH CHARGING THAT TRUONG DINH DZU VIOLATED BOTH CONSTITUTION AND ELECTION LAW BY ACTING IN MANNER ADVANTAGEOUS TO COMMUNISTS. HOWEVER, BEFORE VOTEWAS TAKEN ON KHANH'S CHARGE, NGUYEN VAN HOI DELIVERED RATHER EMOTIONAL SPEECH DEMANDING THAT POLICE INVESTIGATE DZU'S COMMUNIST LEANINGS AND TAKE HIM TO COURT. HOI REGRETTED THAT OPPOSITIONISTS HAD ACCEPTED DZU AS THEIR LEADER, SINCE HE IS COMMUNIST PUPPET, OR AT LEAST IS BEING USED BY COMMINISTS. HOI'S REMARKS WERE RECEIVED IN SILENCE.
5. WITH REGARD TO COMPLAINT THAT THIEU TV SPEECH EVENING SEPTEMBER 2 (AND RADIO ADDRESS MORNING SEPTEMBER 3) VIOLATED ELECTION LAW, SPECIAL COMMITTEE HELD THAT SPEEECHES WERE SOMEWHAT PARTISAN IN NATURE AND WERE IN FACT VIOLATION OF LAW. IN DABATE, NGUYEN VAN HOI ARGUED THAT SPEECHES WERE PART OF THIEU'S RESPONSIBILITY AS CHIEF OF STATE AND WERE NOT

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ILLEGAL. TRONG TIEN DAT AND LE TAI HOA TOOK POSITION THAT THIS WAS A LEGAL QUESTION WHICH, ACCODING TO ELECTION LAW, CENTRAL ELECTION COUNCIL OR COURTS RATHER THAN ASSEMBLY MUST DECIDE. NGUYEN VAN SANG AND LY VAN HIEP ARGUED THAT ASSEMBLY WAS COMPETENT TO DECIDE QUESTION AND AT SPEECHES BY THIEU SHOULD BE CONSIDERED VIOLATIONS OF LAW. MATTER WAS PUT TO VOTE TWICE.ON FIRST BALLOT 38 DEPUTIES VOTED THAT THIEU SPEECHES DID VIOLATE ELECTION LAW, 20 THAT THEY DID NOT. ON SECOND VOTE 39 DEPUTIES (MINIMUM REQUIRED TO TAKE DECISION) DECIDED THAT SPEECHES VIOLATED LAWS THAT THEY DID NOT.
6. SECOND RELATIVELY SIGNIFICANT COMPLAINT WHICH WAS UPHELD WAS PROTEST BY TRUONG DINH DZU THAT MANY POLLING PLACES IN SAIGON AND GIA DINH RAN OUT OF BALLOTS. SPECIAL COMMITTEE RAPPORTEUR NGUYEN HUU CHUNG SAID THAT COMMITTEE MMBERS HAD OBSERVED POLLING IN SAIGON AND CONFIRMED THAT THERE WAS BALLOT SHORTAGE. SPECIAL COMMITTEE THEREFORE RECOMMENDED THAT COMPLAINT BE UPHELD.
7. SEVERAL DEPUTIES, INCLUDING BUI VAN CIAI, BINH THANH CHAU,

LE TAI HOA AND NGUYEN HUU DUC ARGUED THAT CHARGE WAS VAGUE AND GENERALLY UNSUBSTANTIATED. THEY ALSO POINTED OUT THAT SHORTAGE OF BALLOTS WOULD AFFECT ALL LISTS, NOT JUST LOSERS. SPECIAL COMMITTEE MEMBERS ASSURED ASSEMBLY THAT THEY HAD SUFFICIENT EVIDENCE TO SUBSTANTIATE CHARGE; THEY ARGUED THAT SHORTAGE OF BALLOTS CLEARLY WAS VIOLATION OF ELECTION LAW, BUT ADDED THAT COMMITTEE WAS NOT NECESSARILY HOLDING THIEU AND KY RESPONSIBLE FOR IT. THIS QUESTION ALSO REQUIRED TWO BALLOTS. IN FIRST VOTE 36 DEPUTIES DECIDED THAT DZU'S COMPLAINT WAS VALID (I.E., THAT SHORTAGE OF BALLOTS DID OCCUR AND WAS VIOLATION OF LAW) AND 20 VOTED THAT IT WAS NOT; SECOND TIME AROUND 44 DEPUTIES VOTED TO ACCEPT COMPLAINT AND 20 TO REJECT IT.
8. ASSEMBLY WILL RECONVENE 0900 OCTOBER 1 TO CONSIDER SEVERAL REMAINING COMPLAINTS, ALL HAVING TO DO WITH IRREGULARITIES OCCURRING DURING VOTING, AFTER WHICH IT WILL BEGIN DISCUSSION OF SPECIAL COMMITTEE FINDINGS WITH REGARD

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TO VOTER TALLY SHEETS.

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9. COMMENT: A) SEPTEMBER 30 SESSIONS WERE RATHER PRO-FORMS, WITH RECOMMENDATIONS OF SPECIAL COMMITTEE ACCEPTED IN ALMOST EVERY CASE.
B) MOSTMEMBERS OF DEMOCRATIC-ALLIANCE BLOC MAINTAINED A DISCREET SILENCE THROUGHOUT BOTH SESSIONS. MEANWHILE, SOME NON-DEMOCRATIC-ALLIANCE DEPUTIES PROFESSED TO SEE CHANGE IN PROSPECTS FOR VALIDATION AS AFTERNOON SESSION DREW TO A CLOSE. NGUYEN VAN NGAI, WHO WAS EXTREMELY PESSIMISTIC IN MORNING, PREDICTING INVALIDATION, SAID IN LATE AFTERNOON THAT CHACES ARE 50-50 THAT ASSEMBLY WILL VALIDATE ELECTION. AS HE WAS LEAVING, MRS LEADER LY QUY CHUNG REMARKED TO EMBOFF THAT ELECTION IS SURE TO BE VALIDATED. CHUNG SAID TAT MRS WILL VOTE AGAINST VALIDATION, BUT ADDED "DON'T WORRY, WE ARE A MINORITY--LE PHUOC SANG WILL OBEY GENERAL THIEU." BUNKER

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